

August 22, 2024

The Board of Trustees  
University School of Nashville  
c/o Marie Scott  
Fisher & Phillips LLP

**Re: USN's Response to Sexual Misconduct by Dean Masullo**

Dear Trustees,

My name is Alex Little, and I write on behalf of Gidgie Bass, a former USN student who graduated only three months ago and is set to attend NYU in a few weeks. She emailed many of you recently to “request a meeting with the Board of Directors regarding the situation with Dean Masullo . . . and USN’s handling of it all.” This was **more than two weeks ago**, but none of you responded to her request. Nor did your counsel or anyone in the school’s administration ever say yes or no to this request. You simply ignored it.

Please accept this letter as a summary of what Gidgie would have told you if you individually and collectively had the decency and institutional courage to meet with her and listen to what she had to say.

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It is important to clarify a few things at the outset. I am a lawyer, and Gidgie is my client. But I’m not writing to threaten a lawsuit. Gidgie has no interest in suing the school nor is she asking that it give her anything. She simply wants you—the Trustees appointed to lead USN—to know how the institution, its leadership, and its lawyers have failed her. And she wants this not for some selfish reason but rather because she hopes that current students, and those who will attend USN in the future, will find themselves more protected and respected than she was.

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There are two things that happened to Gidgie. First, she was groomed and sexually harassed by a faculty member she previously trusted. Then, she was mistreated by administrators and lawyers who sought to protect the school rather than its students. I will address each in turn.

## 1.

Gidgie Bass attended USN for high school. Like many USN students, she adored the school, made great friends, and trusted the faculty as if they were her family. One member of that faculty seriously abused that trust.

That teacher was Dean Masullo, who was employed by USN for 15 years. During that time, he taught British, American, and World Literature in the high school. He also led students in various Independent Study classes on a wide range of topics, generally related to the arts. And he served as the faculty advisor for USN's Gender and Sexuality Alliance (GSA)—a student organization he once claimed was the school's largest and most active, with over eighty students taking part.

Mr. Masullo was also a serial predator. And Gidgie became one of his targets.

One way to describe what Mr. Masullo did is to say that he sexually harassed Gidgie. But Mr. Masullo was a middle-aged man and Gidgie was a high-school senior, so that description fails to convey the gravity of his actions. A better way to describe what Mr. Masullo did is to say that he “groomed” Gidgie.

“Grooming” can be defined as a series of “manipulative behaviors that an abuser uses to gain access to a potential victim, coerce them to agree to abuse, and reduce the risk of being caught.”<sup>1</sup> As the Rape, Abuse & Incest National Network (RAINN) explains, although grooming can take many different forms, it often follows a similar pattern:

- **Victim selection:** Abusers often observe possible victims and select them based on ease of access to them or their perceived vulnerability.
- **Gaining access and isolating the victim:** Abusers will attempt to physically or emotionally separate a victim from those protecting them and often seek out positions in which they have contact with minors.
- **Trust development and keeping secrets:** Abusers attempt to gain trust of a potential victim through gifts, attention, sharing “secrets” and other means to make them feel that they have a caring relationship and to train them to keep the relationship secret.

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<sup>1</sup> RAINN, “Grooming: Know the Warning Signs,” *available at* <https://rainn.org/news/grooming-know-warning-signs>.

- **Desensitization to touch and discussion of sexual topics:** Abusers will often start to touch a victim in ways that appear harmless, such as hugging, wrestling and tickling, and later escalate to increasingly more sexual contact, such as massages or showering together. Abusers may also show the victim pornography or discuss sexual topics with them, to introduce the idea of sexual contact.

[and]

- **Attempt by abusers to make their behavior seem natural,** to avoid raising suspicions.

Mr. Masullo's actions followed this pattern precisely—with Gidgie, and others.

#### Mr. Masullo Selected Gidgie as His Next Victim.

Last fall, Gidgie took a class with Mr. Masullo. It was an uneventful semester, and she didn't notice anything out of the ordinary about his behavior. He appeared to like having her in class, and students even joked she was the class favorite. But Gidgie did not notice anything more sinister. This changed quickly after she turned 18 and her personal circumstances changed.

In January, Gidgie was stressed, emotionally drained, and felt distant from her parents. Most of her weekdays were spent at school from seven in the morning until late at night. She was, as she described it, "in an extremely emotionally vulnerable place." As she began to spend more time at school and less at home, and as she became emotionally distant from friends and family, Mr. Masullo noticed. His access to Gidgie became easier, and her "perceived vulnerability" increased.

He had found his next potential victim.

#### Mr. Masullo Gained Access to Gidgie and Isolated Her.

With Gidgie in his sights, Mr. Masullo then began to physically and emotionally separate her from her family and friends. And he sought out positions that would allow him to have contact with her alone, regularly.

The primary way that Mr. Masullo did this was by serving as Gidgie's advisor for an Independent Study class he encouraged her to take on modern cinema. She was in a different Independent Study but Mr. Masullo suggested that she do one with him instead, because he had led many other film studies classes before. As part of the "class," Gidgie was required to watch movies with Mr. Masullo in his classroom. He

also repeatedly invited her to see movies at the Belcourt, took her to a Bob Dylan concert in Louisville, and eventually arranged for the two of them to go on a weekend “field trip” to Columbus, Indiana.

The physical isolation included Mr. Masullo (i) telling other students to leave the classroom so that he could speak to Gidgie alone; (ii) covering the windows and doors in his classroom so that, when he and Gidgie watched movies there, no one could see inside; (iii) inviting Gidgie repeatedly to go to the Belcourt with him, where he (eventually, after she relented) took advantage of the relative anonymity of a dark movie theatre to escalate his behavior; and (iv) taking Gidgie on two trips out of town, including an overnight trip to Louisville to see a Bob Dylan concert and a two-day “field trip” to Columbus, Indiana.

There was also emotional isolation. Mr. Masullo would try to get Gidgie to talk about her personal life, including any issues she was having with her family. When she did, he would say he was “happy” that she felt like she could tell him things. She was a “woman, not a child,” he explained. And he would get upset when she would not spend time with him. Mr. Masullo’s attempt to build an emotional “bond” with Gidgie was so constant that he would wink and tell her that he had to ignore her in class “so it wasn’t so obvious” or tell her he had to act differently around her friends than when they were one-on-one.

All these behaviors were consistent with the first stages of an abuser grooming his victim. But Gidgie told her parents little to none of what was happening, and no one at USN seemed to notice.

#### Mr. Masullo Sought Gidgie’s Trust, Gave Her Gifts.

Once he had Gidgie isolated, Mr. Masullo sought to earn her trust through gifts, attention, and sharing secrets. Like the prototypical groomer, he made her feel like they had a caring relationship and trained her to keep that relationship secret. And he was not subtle about it.

Mr. Masullo told Gidgie that she was his “favorite.” He left handwritten notes for her in her locker and sent her text messages regularly on her phone. Soon, he would say that he “loved” her. For no apparent reason, he gave her his home address.

Then, the gifts began. He gave her a pair of shoes. She had not asked for them and didn’t want them. But he bought her another pair. And another. He told her that he was going to prom just to see her. And he asked if he could go with her to buy her prom dress. When she demurred, he stalked her to the point of showing up at the mall when she was buying her prom dress. This startled Gidgie, and she was speechless when he insisted on buying her shoes to wear to prom. “What would we say if Sachs walked up,” he said, referring to USN High School English teacher Freya

Sachs—and clearly implying that he and Gidgie were on a secret rendezvous. He expressed similar concerns about new cameras in the USN hallways, which he tried to avoid when he was around Gidgie.

Secrets were big with Mr. Masullo. The shoes and other, smaller gifts he gave Gidgie repeatedly at school were “entre vous,” just between us, he would say. He would tell her not to tell her parents or others what they discussed. When she graduated, he told her, “our relationship will change.” Later, just days before his secrets came out, he told her that he wished he wasn’t going out of town for the Mock Trial tournament, “because of [her].”

Ultimately, Mr. Masullo made Gidgie feel like she owed him something, like she “needed to be thanking him,” as she described it. Again—exactly like a groomer preparing his selected victim for abuse.

#### Mr. Masullo Sought to Desensitize Gidgie to Touch.

There was also lots of touching, which escalated over the semester. He would hug Gidgie often—at school, after school. He kissed her on the forehead. Then the hugs turned “unusual.” Gidgie would later describe that they didn’t feel like a hug from a teacher or even a parent; Mr. Masullo touched her differently.

Recall: Abusers will often start to touch a victim in ways that appear harmless, such as hugging, and later escalate to increasingly more sexual contact. And that is exactly what happened here.

At school, when he could get away with it, Mr. Masullo would try to hold Gidgie’s hand. This happened during the day, when school was in session. It also happened when he would host her in his classroom to watch the movies he assigned her to watch—with him—in Independent Study. Nearly every time, Gidgie would bring at least one friend. All the things described above—everything about what Mr. Masullo did—made her feel increasingly uncomfortable. So, Gidgie made a consistent effort to bring a friend with her for the movie sessions.

But there was one time when none of her friends could come. The movie was “Roma.” Like before, Mr. Masullo had covered the windows and door, so that no one could see outside. He would claim that it was necessary to keep out the light so they could see the movie better. He also—without explanation—locked the door. And so that was where Gidgie found herself: in a locked classroom, as night was falling, with a professor who said he “loved” her, asked her to keep secrets, and got angry when she didn’t spend enough time with him.

That night, she was stuck with him alone. And he used the opportunity of their isolation to grab her hand—and hold it—throughout the two hours and fifteen minutes the movie ran. Here is how Gidgie described it:

I was incredibly uncomfortable and didn't want to be in the room or especially holding his hand. I was trying not to cry and trying to figure out how to leave throughout the whole movie. But he wouldn't let go of my hand and kept moving his chair closer to me, eventually pressing his leg up against mine. Afterwards I left and ran to the bathroom and cried, panicking.

Again, this happened within the walls of USN—a student crying in a bathroom, at night, because a teacher abused his position to touch her in a sexualized way.

#### Gidgie Escaped Without Sexual Abuse But Not Unharmed.

Mr. Masullo's efforts escalated significantly in four separate incidents:

Before he exhibited the worst behavior, Mr. Masullo bonded with Gidgie over their shared love of Bob Dylan, who had a concert in Louisville. Gidgie had tickets. Mr. Masullo told her that he and his wife were going, too. They should go together, he said. "Change your tickets," he insisted. And so, in class, Mr. Masullo helped Gidgie find a seat next to him and his wife. Gidgie had planned to drive to the concert and back herself without spending the night. But Mr. Masullo said it would be too late. "You can stay with us," he said. And so, that is how Gidgie found herself in a hotel room, spending the night with both Mr. Masullo and his wife—the couple in one queen bed, Gidgie in the other.

Later, after she felt she couldn't continue to deny his repeated requests to go watch a movie at the Belcourt with him, the pair met there for dinner and a movie. Again, he held her hand throughout the movie. But, this time, he put his arms all around her body, too. He pulled her head into his chest. He buried his face in her hair. And, at one point, he grabbed her other hand, too, so that he held both her hands at the same time.

Soon after, there was the "field trip" to Columbus, Indiana. The city is renowned for its modern architecture. There is a 2017 independent film, *Columbus*, about the son of a famous architecture scholar who gets stranded there. Mr. Masullo insisted that he and Gidgie watch the film in her Independent Study and then arranged for the two of them to travel to the city for a weekend to see the architecture for themselves. Recognizing that he couldn't get away with taking Gidgie alone, he told her she could invite two other students to go, as well. And the four of them drove to Columbus for the weekend.

What happened in Columbus is what you expect happened, and likely why Mr. Masullo planned the trip in the first place: He found a moment when he was alone with Gidgie in the lobby of the hotel, and he asked her to come to his hotel room. But she refused. She didn't go to his room. Whatever his desires for her were when they got there went unfulfilled.

But Mr. Masullo was not deterred. Almost exactly a month later, on April 27, he told Gidgie that he wanted to meet her at school. It was a Saturday. He was worried about the cameras in other parts of the school, he said, so he asked her to come to his classroom. Gidgie wore a big coat, reasoning that if he tried to touch her, she would have some protection. When she arrived, she tried to tell him about a project she was working on. He cut her off. "I can't stand the distance," he said. Gidgie described what happened next:

[He] put his hands all over my lower back and grabbed my waist under my coat and shirt, rubbing his hands over my shoulders, back, and lower waist under my clothes. He sat on his desk and pressed me into his whole body, so that I could feel his crotch. As I finally pulled away from the hug, he grabbed my face in both his hands and kissed me for at least 20 seconds on my cheek, basically touching the corner of my mouth. And then he started thanking me over and over.

Gidgie felt sick:

I felt out of control of my body and knew I didn't want to be there. I was trying not to throw up. He mentioned that he saw my parents [recently] and said he "didn't want them to see you the way I see you because that stays between us."

A few days after the last classroom incident, Gidgie told a mentor what had happened over the course of the semester. The mentor told her that what she described was known as "grooming," and encouraged her report it. Around the same time, Gidgie spoke to USN teacher Dr. Michael Hansen. She asked him, if she needed to report a teacher, what would that look like? And, so, when she was ready, Gidgie went to Dr. Hansen, USN teacher Justin Karpinos, and USN teacher Jeff Edmonds. Gidgie had written a timeline of events and her memories of what had transpired, and she read that timeline of events to them. The teachers' response bolstered Gidgie. She felt heard, and they quickly assured her that the behavior was not appropriate. In addition, as soon as they heard about it, the teachers called for Assistant Head of School Quinton Walker, and he came to the classroom where the four were talking. Gidgie repeated what she told the other teachers. And so, armed with the information, USN administrators now had the opportunity to respond.

It did not go well.

## 2.

Gidgie found the school's initial response promising. Mr. Walker took her concerns seriously, and he flew immediately to Delaware to suspend Mr. Masullo and remove him from a school trip, for which he was a chaperone. Gidgie was told that, as the school began to investigate the issues and expand the circle of people who knew about them, she'd be "the first to know." She was told explicitly, "We'll keep you up-to-date as to who knows what and what we're doing."

That turned out to be false. After the first two days, she heard nothing. Then she was told: "An attorney wants to speak with you." That attorney was Marie Scott with the law firm Fisher Phillips. From that point forward, the only person willing or allowed to speak to Gidgie with any connection to USN was Mrs. Scott.

Things changed as soon as the school hired Fisher Phillips, and not for the better. As best I can tell, neither Fisher Phillips nor Mrs. Scott has any experience handling the needs of victims like Gidgie. On the contrary, according to the firm's LinkedIn page, the firm does "one thing – represent employers in labor and employment matters."<sup>2</sup> In other words, the school (through either Director Amani Reed or you the Trustees) chose to hire a law firm based on the view that everything I have described above is best addressed as an employment matter. To be sure, there are employment issues: The school had to decide whether to fire Mr. Masullo. But that was an easy call. And it ignores the fact that there were so many *other* issues implicated here, including (most importantly and obviously) the safety, physical health, and emotional health of Gidgie and other USN students, past and present.

Nothing the school has done over the past few months reflects any awareness that this matter involves something more than an employment issue. And so, when you hire a hammer, that person treats everything like a nail. The so-called independent investigation of Mr. Masullo was in fact an investigation to help the school justify firing him and a tool to keep the school out of hot water. It was not, in fact, an independent investigation, it did nothing to protect or assist Gidgie, and it had no concern for other students who may have been impacted by Mr. Masullo's egregious behavior. In other words, what you the Trustees of the school paid for—and got—was a legal team that protected USN no differently than the lawyers from Miramax, Michigan State, or Penn State did for their respective clients in the wake of abuse by Harvey Weinstein, Jerry Sandusky, and Larry Nassar.<sup>3</sup>

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<sup>2</sup> See <https://www.linkedin.com/company/fisher-&-phillips-llp/>

<sup>3</sup> See, e.g., Dan Gartland, "Report: At Least 14 People at Michigan State Ignored Larry Nassar Complaints For Years," *SPORTS ILLUSTRATED*, Jan. 18, 2018, *available*



Let me address the “independent investigation” issue. Mrs. Scott and later Director Reed told Gidgie and her parents that the reason that all communication had to be routed through Mrs. Scott was because she was conducting an “independent investigation” of Mr. Masullo’s behavior. But that was not remotely true.

A true “independent” investigation would align with the best practices recommended by organizations like the Southern Association of Independent Schools. As those organizations suggest, in a situation like this, the school needs three separate categories of professionals: (1) a crisis response team to serve the affected students, (2) lawyers representing the school and its interests, and (3) an independent team (usually but not always lawyers) who are tasked with an actually *independent* investigation.

USN had only one of the three: lawyers who were focused on its own needs. As you should know, because you hired her, Mrs. Scott is not independent from the school. The school is her client, and she is ethically bound to promote its interests—whatever Director Reed and you the Trustees believe those interests to be. In cases like this, where management hires management-side labor lawyers,<sup>4</sup> it is entirely expected (and common) for those lawyers to believe that their goal, and the client’s interest, is to protect the managers. That is why you need a crisis response team that is focused on the affected students, and that is why you need a separate team to determine what happened and why—because a manager may be at fault, and his or her role in failing to stop such misconduct will be swept under the rug otherwise.

There was no way for Gidgie or her parents to know any of this, of course. None of them have legal training, and so they took USN at its word and believed that Mrs. Scott was somehow “independent.” Nor would other USN parents, faculty, and students have any reason to disbelieve Director Reed’s email of July 12, which claimed that he engaged “independent third-party experts.” As detailed above, Fisher Phillips is neither independent nor an expert in these matters. And there were consequences.

Gidgie felt repeatedly ignored and harmed by the school’s response. Some of the errors were less egregious. For example, like Mr. Walker’s broken promise to keep Gidgie informed of what was happening, Mrs. Scott broke promises of her own related

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at <https://www.si.com/olympics/2018/01/18/larry-nassar-michigan-state-sexual-abuse-complaints>

<sup>4</sup> Law firms that practice employment law, like Fisher Phillips, generally only take either “management-side” cases or “employee-side cases. Firms in the former category generally are larger and represent big corporations and other managers. Firms in the latter category generally are smaller and represent employees who make various claims of misconduct and mistreatment by those companies and managers.

to process and timing. Two deserve mention. First, in one early meeting, Mrs. Scott promised Gidgie that the school would let her know the “details of their findings” when the investigation was complete, and that she would be able to give Gidgie “more than just policy violations.” This promise was not kept. The only detail that Director Reed was willing to provide Gidgie was that the school believed her, and that Mr. Masullo’s actions amounted to a violation of the USN community’s “standards.” Second, Mrs. Scott promised Gidgie repeatedly that the “investigation” would be complete by the end of June. It was not.

This particular failure demonstrates why the school should have involved someone—either internally or externally—who had the appropriate training and experience to serve victims. In the aftermath of a traumatic situation, the act of breaking promises and failing to meet expectations exacerbates the emotional rollercoaster that a situation like this creates for a victim. As Gidgie describes it:

There was no crisis response team, and so it fell to teachers close to me to carry the weight. I was experiencing extreme mental instability and those teachers repeatedly asked for school leadership to help support me and them, but they didn’t. And the school’s lawyers took advantage of the fact that I didn’t have legal counsel to gain my trust and use language indicating they were independent.

Every time I requested a meeting, only Marie [Scott] would show up. And tell me she couldn’t give me any information. So I finally went to Amani’s office and knocked on the door. He was in there, saw me through the window, and would not answer the door. I knocked again, stood there for five minutes, and he ignored me. I was really struggling and needed the support of the adults in my community, and I needed him to at least listen. And not only did he know this and not reach out to me or my family, but he wouldn’t even open his door when I came to him.

None of this is acceptable.

Let me clarify a point here. Neither Gidgie, her parents, nor I believe that Director Reed had anything other than the best intentions. But, as that example shows, he did not rise to the occasion. A student who (as described above) was victim to a predator at his school shows up at his door, and he hides in his office. I might believe that perhaps he did not hear Gidgie knocking or see her during the five minutes she stood there, but I also know that many of you received an email directly from Gidgie, and you have done the same thing: ignored her. Speaking as a USN

parent, I find both responses incredibly disappointing. As Gidgie's lawyer, I find them doubly so. Gidgie is a teenager. She has been failed by adults, repeatedly.

Perhaps Director Reed did not answer the door and speak to Gidgie because Mrs. Scott told him not to do so. Perhaps she emailed all of you and told you not to respond, either. No matter. At some point, Director Reed and each of you has a personal responsibility to think for yourselves and consider the impact of your actions. Blaming a lawyer for ignoring a victim who was hurt at the school she trusted to keep her safe simply does not fly. Here is how the lawyers' advice has affected Gidgie:

During the worst mental state of my life, I feel like I can't even walk through the halls of my school. The students don't know what is going on, and so the rumors and gossip are rampant and there is nothing I can do to stop it. The faculty know nothing, and so my teachers can't support me or my friends, and instead remain confused and upset that I am missing classes (for meetings with USN's lawyers) and always seem unengaged and distracted. The feeling of not being able to have the support or perspective of the adults I look up to most makes everything so much harder to carry, and if I do tell an adult in the community it has to be kept so secret, and I have to pretend like nothing is wrong. Meanwhile my mental health gets worse and worse. and any time I see Amani Reed or Quinton Walker I am made to feel as though I have done something wrong, like I am the issue. I feel uncomfortable and unprotected in the hands of the very people I've been told I should trust.

When Director Reed finally agreed to meet with Gidgie in July, she told him that she would *not* have reported what happened with Mr. Masullo if she knew that USN was going to respond this way. I will repeat that. She would not have reported Mr. Masullo, and he would still be at USN grooming students, if she knew USN would respond the way it did. You cannot hear that statement and believe that the school's response has been anything other than an abysmal failure.

USN should be better than Penn State, Michigan State, and the Weinstein Company. But it can only be better if you each have the courage to ask hard questions, such as: Why in the world should we *not* meet with Gidgie? What interest do we have ignoring her? How did we get to the point where we made the situation worse? And what are the costs of the advice we have been given?

Those costs have been and will continue to be high. Consider a few examples. When the end of June came and went without a conclusion to the investigation, and

without Gidgie hearing from anyone at the school, she publicly spoke about these matters on social media. Some of you may have seen the Instagram posts, which were widely shared. Her statement was the first time that many USN students, parents, teachers, and others in the local community learned about Mr. Masullo's conduct, and it left the clear impression that USN had dropped the ball. Leaving a victim to announce her abuse is not a good look. It paints—albeit accurately—the administration as inept, and it leaves the whole USN community wondering what has gone wrong. It also was entirely avoidable. Similarly, by refusing to meet with Gidgie, you have left her with the clear impression that the Board of Trustees is not up to the challenge, either. Knowing her, I would expect a similar response.

USN's reputation aside, the path the school has chosen also has ignored the students who came before Gidgie. Even after learning that Mr. Masullo has groomed other students, the school has done nothing to address this harm, investigate it, or help the affected students. There is no good excuse for this inaction.

With respect to other students, Gidgie learned that Mr. Masullo had engaged in similar behavior with other female students before her. He would pick favorite female or gay male students, text them in inappropriate ways, touch and hug them inappropriately, and take students to see movies outside of school and unrelated to school activities. Basically, he did the same to others that he did to Gidgie. In nearly every case, the target of his behavior was a female or gay student, often a member of the GSA, and he would attempt to estrange these students from their parents. One particularly graphic example involved a female student in his class a few years ago. He knew that she was dating another girl at the school, and he would “check in” and debrief with that student about their sex life, eliciting graphic details about the sexual activities that took place between them. What are the chances that, over the course of 15 years, this type of predation never resulted in physical touching and sexual contact? How many other students has he asked to join him alone in a hotel room? And how have *those* students been affected by his misconduct?

According to Mrs. Scott, USN does not want to know the answers to those questions. Specifically, after Mr. Masullo was suspended, Gidgie reported to Mrs. Scott that many alumni had reached out to her to report that similar things had happened to them. Gidgie then gave specific examples, including the information in the paragraph above—such as the student who reported that Mr. Masullo regularly sought to “debrief” her sex life. In response, Mrs. Scott told Gidgie that “the searching part is done.” She then said that her door was open, and those students were free to contact her. But when Gidgie (quite reasonably) protested that she did not have the capacity to serve as the reporting liaison and did not feel it made sense to “put this on [her],” Mrs. Scott did nothing to help. “We’re not going to be doing any reaching out proactively,” she said. This time, she held true to her word. As best we know, no USN lawyer or staff member has done anything proactively to identify or speak with

students who may have been affected by Mr. Masullo’s misconduct in previous school years—even though there is abundant evidence that he did so.

Later, when Gidgie made repeated requests for someone at USN to reach out to past students, Mrs. Scott continued to tell her no, claiming that the investigation was “confidential,” so they could not say anything.

I should address the claim that there is anything “confidential” that stops USN from doing the right thing. I expect it is a term you have heard, because Director Reed claimed in his July 12 email that he could not share details about the matter because “personnel matters are confidential.” And “confidentiality” was one excuse that Director Reed and Mrs. Scott gave me to explain why they could not tell Gidgie what the results of USN’s investigation were, or why they could not identify the “school polic[y]” that Mr. Masullo violated.

On the one hand, it is certainly true that the advice that Mrs. Scott gives the school, her written notes, and her work product, would be protected as “confidential” if anyone sought to force her to turn them over. That is how attorney-client privilege works, and it demonstrates once again that neither she nor Fisher Phillips are the “independent third-party experts” that Director Reed said they were in his email. But the protections of attorney-client privilege are owned by the client—which is the school. There is nothing stopping a client—like USN—from telling anyone in the world what their lawyers have learned. For example, there is nothing stopping USN from telling Gidgie, the faculty, or others in the USN community what its lawyers learned about Mr. Masullo’s misconduct. If USN has chosen *not* to do so, and it appears that at least Director Reed has made that choice, then there is some rationale other than “confidentiality.” USN can reveal what it knows happened. It has chosen not to do so.

There are two alternative explanations, which are both so bad that I cannot believe they would happen. First, if USN had reached some sort of agreement with Mr. Masullo that included a promise not to publicize his actions or otherwise speak poorly of him, then that agreement might require “confidentiality” and at least purport to limit what the school can say about him. But if that is the case, everyone involved in negotiating such an agreement should be fired, and any Trustee who does not demand their firing bears responsibility. Again, however, I do not believe this could be true, so there is no basis to claim “confidentiality” prohibits USN administrators from providing more information to the USN community, including alumni who may have been subjected to Mr. Masullo’s misconduct.

Second, perhaps Director Reed and Mrs. Scott fully understand that there is no law or agreement with Mr. Masullo that prevents them from sharing details, but they wish to pretend there is, to avoid embarrassment. This is a common tactic for big corporations, who use press double-speak to mislead the public. As you surely

know from reading the news, barely a scandal goes by without someone claiming that they cannot discuss “personnel matters.” But this is just a dodge. The only reason those companies cannot discuss “personnel matters,” which is the language Director Reed repeats in his July 12 email, is because they don’t want to.

### What Should Have Happened.

There was an alternative. USN should have (1) ensured from the beginning that it had a team who was able to effectively respond to the situation, (2) provided the USN community with complete and accurate information, and (3) expressed remorse and a clear desire to fix whatever deficiencies allowed this to happen.

A proper team would have included someone whose primary task was to work with Gidgie—and the other students who later identified themselves as victims of Mr. Masullo’s misconduct—to ensure they were protected and their needs met. Then, in addition to lawyers like Fisher Phillips, who represented the school’s interests, USN should have hired an independent team to fully investigate the misconduct and determine how it was able to happen—with the goal to share those results with the broader USN community.

Instead of the vague and misleading email Director Reed sent on July 12, he should have told the USN community that Mr. Masullo harassed a student, engaged in sexualized conduct that was wholly improper, and that he was fired as a result. The statement also should have invited any current or former students with knowledge of similar conduct to speak with the truly independent investigators, so that the school could understand the full scope of what had happened to its students.

Then, when the results of the independent investigation were known, the school should have released them. When doing so, it should have expressed real remorse for the fact that this happened at USN at the hands of a USN employee. And it should have promised to take specific steps to ensure it never happens again.

Nothing stopped USN from doing any of this. Again, Gidgie does not believe that anyone acted with malice. But the failure of the administration and its lawyers to get this right was either incompetence, cowardice, or some combination of the two.

### What USN Can Still Do.

Nearly a month ago, I wrote an email to Mrs. Scott on behalf of Gidgie and her family. In that email, we asked the administration to do six things. Because I do not know whether you have ever seen this email, I will quote it at length. In it, Gidgie and her family asked Director Reed and the school’s leadership to do the following:

**1. The administration should provide more information externally about what happened and make much clearer where USN stands about the situation. This would include:**

- a. Providing more information to the USN community that the “violation” of “school policies” included (1) inappropriate behavior towards a student that could be described as grooming or inappropriately sexualized, (2) that the student’s report of this behavior was credible and corroborated, and that (3) the investigation determined that Mr. Masullo had behaved similarly in prior years with respect to alumni students.
- b. Proactively invite alumni to report any similar behavior that they experienced. To this end, alumni have not (as far as we are aware) received any information about the report, investigation, and firing even though alumni were interviewed and Mr. Masullo’s inappropriate behavior clearly began much earlier than this year. An appropriate response would inform alumni of the issue and invite them to share any similar reports or information about Mr. Masullo that they may have (by, for example, providing them with access to a reporting portal, which they currently do not have).
- c. Proactively invite faculty to report any similar concerns—once they are told the actual circumstances of Mr. Masullo’s firing. Again, as we understand it, none of the faculty were told that the inappropriate behavior at issue could be described as grooming or inappropriately sexualized, nor were they told what policies he had violated.
- d. Provide a clear message about the steps USN is taking to ensure that similar circumstances do not arise in the future. . . .

e. Make clear that USN has written policies that address this situation. Based on our conversation, and the family's prior conversation with Mr. Reed, we have concluded that the reason no policies have been identified is that the school likely does not (or did not) have any written policies that specifically address the type of faculty behavior at issue here. This must change immediately, and the school community should be informed of the change.

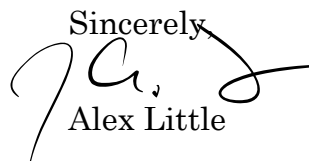
**2. The administration, and Mr. Reed specifically, should apologize directly and individually to those who were impacted by these issues and the manner of the investigation, including the witnesses, their families, and the faculty who helped report it.**

But, again, the school refused. Read the last request again and ask yourself why Director Reed could not apologize directly to Gidgie for how his school has handled the situation. I struggle to find a good answer. In any event, Gidgie now makes these requests directly to you, the Trustees. The school's leadership failed her. She hopes that you will not.

\* \* \*

As I wrote earlier, I am not writing this letter because Gidgie wants to sue USN or drag anyone into court. But she does want it to change for the better. That transformation ultimately depends on each of you demanding that the school improve. Some of you I know, and some I do not. But I am certain that all of you joined the Board because you care about USN as an institution. And I hope that this genuine concern leads you to ask tough questions about this situation, have difficult conversations about why USN responded the way it did, and ultimately force Director Reed and the school's lawyers (through a vote, if necessary) to take actions that they have so far refused to take. Plenty of institutions fail to confront difficult circumstances with real leadership and courage. And that is where USN finds itself. Nothing will change unless you make it so.

If you have any questions, or need any additional information, please do not hesitate to contact me. I would welcome further conversation.

Sincerely,  
  
Alex Little